

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Compliance Division
Log # AQ179E**

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary because the current rule LAC 33:III.Chapter 28 does not adequately provide for those persons who were trained and/or worked previously in lead-based paint activities to receive accreditations, based on their previous training and/or work experiences. The purpose of the lead program is to reduce exposure to lead paint hazards, especially in young children who are the most seriously affected by such exposures, in the environment of the state of Louisiana. Since the program is a new program, implemented as of March 20, 1998, there are insufficient courses available to the regulated community to become trained, and the “grandfather” provisions in the rule are too restrictive to allow experienced individuals to receive accreditations based on prior training and experience. Without this emergency rule individuals and companies are unable to become accredited and licensed to mitigate lead-based paint hazards properly. Failure to adopt this rule through emergency procedures will delay the beginning of federally funded projects by public entities and abatement contractors that are designed to mitigate lead paint hazards in housing where families with young children reside. This will result in continued and unnecessary exposure to the at-risk population.

This emergency rule is effective on July 13, 1998, and shall remain in effect for a maximum of 120 days or until the final rule is promulgated, whichever comes first. For more information concerning AQ179E, you may contact DEQ’s Investigations and Regulation Development Division at (504) 765-0399.

Adopted this 13 day of July, 1998.

J. Dale Givens
Secretary

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 28. Lead-based Paint Activities - Recognition, Accreditation, Licensure, and Standards for Conducting Lead-based Paint Activities

§2807. Accreditation of Individuals

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[See Prior Text in A-A.3]

4. After ~~September~~November 30, 1998, individuals seeking accreditation in the lead inspector, risk assessor, lead project supervisor, or lead project designer disciplines must pass the applicable state examination given by the department or its proxy. Individuals must pass the state examination, with a score of 70 or above, within 30 days of receiving a course completion certificate. Individuals who fail the state exam will be allowed to take the exam a second time within the 30-day period. Individuals who fail the state examination twice must retake the initial course before they will be allowed to retake the state examination. Anyone who fails the test three times within a 6-month period may not apply for testing in that category for 90 days.

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[See Prior Text in A.5-B.1.c.ii.(e)]

iii. lead project supervisor: ~~a high school diploma (or equivalent)~~
~~and either one year of experience as an accredited lead-based paint worker or at least two years of experience in lead, asbestos, or environmental remediation work or in the building trades;~~

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[See Prior Text in B.1.c.iv-C]

1. Individuals in all disciplines who received training in a lead-based paint activity
~~activities training~~ between January 1, 1995, and March 20, 1998, shall be eligible for accreditation by completing the following procedures:

d. submit a 1" x 1 1/4" photograph of the applicant;

de. meet the education and/or experience requirements listed in Subsection B of this Section; and

ef. submit the appropriate fees as required under LAC 33:III.223.

2. Individuals have until ~~September~~November 30, 1998, to apply for accreditation under the procedures in Subsection C.1 of this Section. After that date all individuals wishing to obtain accreditation must do so through the procedures described in Subsection A of this Section.

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[See Prior Text in D-D.4]

5. Any applicant who was accredited initially in accordance with Subsection C of this Section or prior to ~~September~~November 30, 1998, must pass the appropriate state examination prior to being reaccredited by the department.

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[See Prior Text in D.6-E.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1669 (December 1997), amended LR ****